

HARRY JAMES LABAR,

Plaintiff,

v.

BALKAN TRANSPORT, LLC, and  
MICHAEL TOWNDROW,

Defendants.

## DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that Defendants Balkan Transport, LLC (hereinafter “Balkan”), and Michael Towndrow (hereinafter “Mr. Towndrow”) (collectively hereinafter “Defendants”), by and through their undersigned attorneys, move, at a date and time to be set by the Court, for an order pursuant to Federal Rule of Civil Procedure 56 granting them summary judgment regarding Plaintiff Harry James La Bar’s (hereinafter “Plaintiff”) negligence, gross negligence, and negligent hiring and supervision claims and Defendants’ contributory negligence claim. The motion is made on the following grounds:

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5. The only reasonable inference from the evidence is that Plaintiff was contributorily negligent, that such negligence was the sole proximate cause of the accident and his damages, and that Plaintiff is barred from recovery.

6. Therefore, Defendants are entitled to summary judgment as a matter of law.

This motion is based upon the pleadings and discovery in this case, the depositions taken, affidavits submitted, Federal Rule of Civil Procedure 56, and all applicable common and statutory laws.

Respectfully Submitted,

February 16, 2022

/s/ Christopher M. Kelly  
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